

### **REMARKS**

Claims 1, 3-12 and 15-16 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102 AND § 103**

Relying primarily on Zappitelli (U.S. Pat. No. 6,402,578), the Examiner has rejected claims 1, 3-12 and 15-16 under 35 N.S.E. § 102 and/or 103. These rejections are respectfully traversed.

Applicant respectfully submits that the Examiner has misinterpreted the teachings of Zappitelli. Zappitelli discloses various embodiments having composite cores with foam portions and a spring member. Zappitelli fails to disclose a submersible pool toy having a main body portion that is “completely and unitarily formed of a foam material such that the foam material defines the upper deck.” For this reason, and the reasons set forth in Applicant’s prior response, Applicant respectfully submits that independent Claim 1 and Claims 3-12 and Claims 15-16 dependent therefrom are in a condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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